Case Summary — AUTOTRAC v. Karl Alexander Neumann

Case No. 0023458-18.2016.8.07.0001
2ª Vara de Execução de Títulos Extrajudiciais e Conflitos Arbitrais de Brasília (TJDFT)

Type of Action

Execução de Título Extrajudicial — execution based on a private instrument "firmado com duas testemunhas" ("signed with two witnesses"), which is enforceable without a full merits trial. (Piquet-Autotrac-0023458-03-Final-Sentence-Prescription.pdf.pdf.pdf)

Parties

- **Exequente (Enforcing Creditor):** AUTOTRAC Comércio e Telecomunicações S/A.
- **Executado (Debtor):** Karl Alexander Neumann.

Core Dispute

AUTOTRAC initiated an **execution** to collect a debt evidenced by an extrajudicial title (contract with two witnesses). After **fruitless searches for attachable assets** ("diligências infrutíferas para busca de bens penhoráveis"), the proceeding was suspended and later archived, with the court warning that **intercurrent prescription** would begin after the one-year suspension. (Piquet-Autotrac-0023458-01-First-Archiving-Order.pdf.pdf)

Procedural History (key milestones + translations)

- **Distribution (26/03/2019):** Case assigned to the 2nd Execution Court. (Piquet-Autotrac-0023458-02-Full-Process-Movement-Log.pdf.pdf.pdf)
- **Suspension & First Archiving Order (26/04/2019):**
  - Court notes **no attachable assets found** after database searches (BACENJUD, RENAJUD, INFOSEG).
  - Orders **"arquivamento dos autos, sem baixa"** ("archiving of the case, without striking from the docket").
  - Warns that under **CPC art. 921, §4º** the **"prazo da prescrição intercorrente"** (intercurrent prescription period) **begins after the 1-year suspension**. (Piquet-Autotrac-0023458-01-First-Archiving-Order.pdf.pdf)
- **Archiving / Unarchiving Cycle:**
  - **09/09/2019: Arquivado provisoriamente** ("provisionally archived").

    - **24/05/2022: Desarquivado** (“unarchived”) then **arquivado provisoriamente** again the same day.
    - **07/07/2025: Processo desarquivado** (“case unarchived”). (Piquet-Autotrac-0023458-02-Full-Process-Movement-Log.pdf.pdf.pdf)
- **Prescription Noted (15/10/2025):** Docket shows “**declarada decadência ou prescrição**” (“decadence or prescription declared”). (Piquet-Autotrac-0023458-02-Full-Process-Movement-Log.pdf.pdf.pdf.

Final Judgment (15/10/2025; published 17/10/2025)

- The court **pronounced the intercurrent prescription** (“**prescrição intercorrente**”) of AUTOTRAC’s **pretensão executiva** (“right to execute”), because:
    - Execution was suspended for **1 year** under **CPC art. 921, III** (no assets found).
    - After that year, the **intercurrent prescription period began automatically** under **CPC art. 921, §4º**.
    - For an **extrajudicial title**, the applicable limitation is **5 years** (**CC art. 206, §5º, I**).
    - Result: the **execution was time-barred as of 28/04/2024** and the case was **extinguished under CPC art. 924, V**.
    - The judge ordered the **release of any penhoras/indisponibilidades** (liens/asset freezes) and **archiving**. (Piquet-Autotrac-0023458-03-Final-Sentence-Prescription.pdf.pdf.pdf)

Outcome

- **Result: Execution extinguished** due to **intercurrent prescription**; **no recovery** for AUTOTRAC. (Piquet-Autotrac-0023458-03-Final-Sentence-Prescription.pdf.pdf.pdf)
- **Reason:** Inactivity after the one-year suspension allowed the five-year period (for extrajudicial titles) to run and expire. (Piquet-Autotrac-0023458-03-Final-Sentence-Prescription.pdf.pdf.pdf)

Assessment

Procedurally straightforward: AUTOTRAC had an enforceable title but **failed to locate assets** and **did not act within the intercurrent-prescription window**. The court applied CPC and Civil Code rules to **time-bar** the execution and **terminate the case with no recovery**. (Piquet-Autotrac-0023458-01-First-Archiving-Order.pdf.pdf; -03-Final-Sentence-Prescription.pdf.pdf.pdf)